

REMARKS

Claims 1-30 remain in this application. Claims 1, 3, 12, 21, and 28 have been amended. The amended claims are supported by the specification and no new matter has been added. The Applicant respectfully requests reconsideration of this application in view of the above amendments and the following remarks.

35 U.S.C. §102 Claim Rejection – Sezan

The Examiner has rejected claims 1-30 apparently under 35 U.S.C. 102 (e and f) as being anticipated by U.S. Patent Number 6,236,395, issued to Sezan et al. (hereinafter referred to as “Sezan”). The Applicant submits that the present claims are not anticipated by Sezan.

As amended, claim 1 recites at least, *“retrieving a user preference template corresponding to the device from a plurality of user preference templates corresponding to the plurality of devices”* and *“identifying user preferences associated with the device by using the user preference template”*. Sezan does not teach or suggest these limitations.

As understood by the Applicant, Sezan discusses the use of a single user description scheme and does not teach or suggest the use of multiple user preference templates corresponding to a plurality of devices. As discussed *“[w]hen user description scheme is standardized among different manufacturers or products, user preferences become portable”* (column 6, lines 8-9). As further discussed, *“[i]f the structure (syntax and semantics) of the description schemes is known amongst multiple appliances, the user (user) can carry (or otherwise transfer) the information contained within his user description scheme from one appliance to another, perhaps via a smart card--where*

these appliances support smart card interface--in order to personalize them" (column 11, lines 8-14).

The use of a single user description scheme is different than retrieving a user preference template corresponding to the device from a plurality of user preference templates corresponding to the plurality of devices.

Anticipation under 35 U.S.C. Section 102 requires every element of the claimed invention be identically shown in a single prior art reference. The Federal Circuit has indicated that the standard for measuring lack of novelty by anticipation is strict identity. *"For a prior art reference to anticipate in terms of 35 U.S.C. Section 102, every element of the claimed invention must be identically shown in a single reference."* In *Re Bond*, 910 F.2d 831, 15 USPQ.2d 1566 (Fed. Cir. 1990).

Accordingly, **claim 1** is believed to be allowable over Sezan. **Claims 2-11** depend from claim 1 and are believed to be allowable therefor, as well as for the recitations independently set forth therein.

Claim 12 recites similar limitations that are similar to those of claim 1 and is also believed to be allowable. **Claims 13-16** depend from claim 12 and are believed to be allowable therefor, as well as for the recitations independently set forth therein.

Claim 17 recites similar limitations that are similar to those of claim 1 and is also believed to be allowable. **Claims 18-20** depend from claim 17 and are believed to be allowable therefor, as well as for the recitations independently set forth therein.

Claim 21 is a Beauregard-type claim having limitations similar to those of claim 1 and is also believed to be allowable. **Claims 22-27** depend from claim 21 and are believed to be allowable therefor, as well as for the recitations independently set forth therein.

Claim 28 is a Beauregard-type claim having limitations similar to those of claim 12 and is also believed to be allowable. **Claims 29-30** depend from claim 28 and are believed to be allowable therefor, as well as for the recitations independently set forth therein.

Conclusion

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance. Applicant respectfully requests that the rejections be withdrawn and the claims be allowed at the earliest possible date.

Request For Telephone Interview

The Examiner is invited to call Brent E. Vecchia at (303) 740-1980 if there remains any issue with allowance of the case.

Request For An Extension Of Time

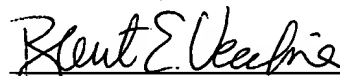
The Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17 for such an extension.

Charge Our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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